

Michael J. Carcich, Esq. (MC-5207)
NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff
Wall Street Plaza
88 Pine Street, Seventh Floor
New York, New York 10005
Telephone: 212-220-3830
(OUR FILE: 00000891 MJC)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

COMET SHIPPING AGENCIES NIGERIA LTD.,

Plaintiff,

09 Civ. 7043 (CM)

- against -

GLOBAL CONTAINER LINES LIMITED,

Defendant.

**NOTICE OF MOTION
PURSUANT TO
RULE 55(b) FOR A
DEFAULT JUDGMENT**


-----X

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Michael J. Carcich sworn to on the 20th day of October, 2009 and the exhibits annexed thereto, and the accompanying memorandum of law, the undersigned will move this Court before the Honorable Colleen McMahon, at the United States Courthouse, 500 Pearl Street, New York, New York pursuant to Federal Rules of Civil Procedure 55(b) for the entry of a default judgment against defendant GLOBAL CONTAINER LINES LIMITED in the amount of \$187,448.91 plus interest at the rate of 12% per annum on such amount from July 26, 2009 and attorneys fees in the amount of \$14,996.13 and the taxable costs of this action.

Dated: New York, New York
October 20, 2009

Yours, etc.,

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff

By: 
Michael J. Carcich, Esq. (MC-5207)
Wall Street Plaza
88 Pine Street, Seventh Floor
New York, New York 10005
Telephone: 212-220-3830
OUR FILE: 00000891 MJC

TO:

GLOBAL CONTAINER LINES LIMITED
100 Quentin Roosevelt Boulevard
Garden City, New York 11530

GLOBAL CONTAINER LINES LIMITED
c/o United Corporate Services, Inc.
10 Bank Street, Suite 560
White Plains, New York 10606

Matthew Roseman, Esq.
CULLEN & DYKMAN
100 Quentin Roosevelt Boulevard
Garden City, New York 11530

X:\Public Word Files\0\891\LEGAL\notice of motion.default judgment.val.doc

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : s.s.:
COUNTY OF NEW YORK)

VALERIE A. CLUNE, being duly sworn, deposes and says:

1. I am employed by the firm of NICOLETTI HORNIG & SWEENEY, attorneys for Plaintiff. I am not a party to this action, am over 18 years of age and reside in Queens County, New York.

2. On October 22, 2009, I served the annexed NOTICE OF MOTION PURSUANT TO RULE 55(B) FOR A DEFAULT JUDGMENT upon the following:

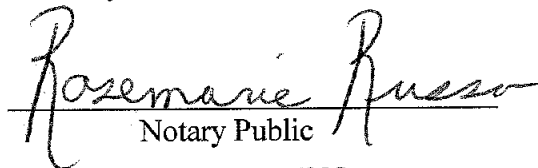
Matthew Roseman, Esq.
CULLEN & DYKMAN
100 Quentin Roosevelt Boulevard
Garden City, New York 11530

at the addresses designated by said attorneys for that purpose, by depositing true copies of same enclosed in postpaid, properly addressed wrappers in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York.



VALERIE A. CLUNE

Sworn to before me this
22nd day of October, 2009


Notary Public

ROSEMARIE RUSSO
Notary Public, State of New York
No. 01RU4634359
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires Dec. 31, 20 10

AFFIDAVIT OF SERVICE

Ref# 92045 A 2

District Court

Southern County Index/Case #

09 7043

Filing Date 8/10/2009

Comet Shipping Agencies Nigeria Limited

Plaintiff

Global Container Lines Limited

Defendant

New York County, State of: New York, Juan Pereira NYC 0862954 being sworn,
 says: Deponent is not a party herein; is over the age of 18 years and resides in the State of New York

On 10/26/2009 at 120 PM am/pm at: 100 Quentin Roosevelt Blvd, Garden City NY 11530

Deponent served the within Notice of Motion Pursuant to Rule 55 (B) for a Default Judgement

On: Global Container Lines Limited (herein after called the recipient) therein named.

- ☐ **Individual** By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.
- ☐ **Suitable Age person** by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendants ☐ Actual Place of Residence ☐ Actual Place of Business within the State
- ☐ **Affixing to Door** By affixing a true copy of each to the door of said premises which is defendants ☐ Actual Place of Residence ☐ Actual Place of Business, within the State
 Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there
- ☒ **Corporation or Partnership or Trust or LLC** by delivering thereat a true copy of each to Lorna Davis personally. Deponent knew said corporation/partnership/trust/LLC so served to be the corporation/partnership/trust/LLC described in said aforementioned document as said defendant and knew said individual to be Authorized Agent of entity thereof.
- ☐ **Mailing** Within day(s) of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known ☐ Actual Place of Residence ☐ Actual Place of Business, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

- ☒ **Description**
- | | | | | | |
|--|--|--|---|---|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> white skin | <input checked="" type="checkbox"/> black hair | <input type="checkbox"/> 14-20 Yrs | <input type="checkbox"/> Under 5' | <input type="checkbox"/> < 100 Lbs |
| <input checked="" type="checkbox"/> Female | <input checked="" type="checkbox"/> black skin | <input type="checkbox"/> brown hair | <input type="checkbox"/> 21-35 Yrs | <input type="checkbox"/> 5'0"-5'3" | <input type="checkbox"/> 100-130 Lbs |
| | <input type="checkbox"/> yellow skin | <input type="checkbox"/> gray hair | <input checked="" type="checkbox"/> 36-50 Yrs | <input checked="" type="checkbox"/> 5'4"-5'8" | <input checked="" type="checkbox"/> 131-160 Lbs |
| | <input type="checkbox"/> brown skin | <input type="checkbox"/> blonde hair | <input type="checkbox"/> 51-65 Yrs | <input type="checkbox"/> 5'9"-6'0" | <input type="checkbox"/> 161-200 Lbs |
| <input type="checkbox"/> Glasses | <input type="checkbox"/> red skin | <input type="checkbox"/> red hair | <input type="checkbox"/> Over 65 Yrs | <input type="checkbox"/> Over 6' | <input type="checkbox"/> Over 200 Lbs |
| | | <input type="checkbox"/> bald(ing) | | | |

Other Identifying Features

- ☐ **Military Service** I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of

Sworn to before me on 11/2/09

Attorney Info/Client Info

Nicoletti Hornig & Sweeney

Wall St. Plaza 88 Pine Street 7th Floor

New York NY 10005

212 220 3830

Christina Hummer

Notary Public, State of New York

No. 01HU4637421

Qualified in Suffolk

Commission Expires 6/30/2010

Deponent's (Server) Signature

AFFIDAVIT OF SERVICE

Ref# 92045 B 2

District Court

Southern County Index/Case #

09 7043

Filing Date 8/10/2009

Comet Shipping Agencies Nigeria Limited

Plaintiff

Global Container Lines Limited

Defendant

New York County, State of: New York, Juan Pereira NYC 0862954 being sworn,
 says: Deponent is not a party herein; is over the age of 18 years and resides in the State of New York

On 10/26/2009 at 1030 AM am/pm at: 10 Bank Street, Suite 560 White Plains NY 11530

Deponent served the within Notice of Motion Pursuant to Rule 55(B) for a default judgement

On: Global Container Lines Limited c/o United Corporate Services Inc. (herein after called the recipient) therein named.

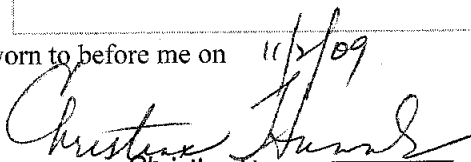
- ☐ **Individual** By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.
- ☐ **Suitable Age person** by delivering thereat a true copy of each to _____ a person of suitable age and discretion. Said premises is defendants ☐ Actual Place of Residence ☐ Actual Place of Business within the State
- ☐ **Affixing to Door** By affixing a true copy of each to the door of said premises which is defendants ☐ Actual Place of Residence ☐ Actual Place of Business, within the State
 Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there _____
- ☒ **Corporation or Partnership or Trust or LLC** by delivering thereat a true copy of each to Gray Anderson personally. Deponent knew said corporation/partnership/trust/LLC so served to be the corporation/partnership/trust/LLC described in said aforementioned document as said defendant and knew said individual to be Authorized Agent of entity _____ thereof.
- ☐ **Mailing** Within _____ day(s) of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known ☐ Actual Place of Residence ☐ Actual Place of Business, at _____ and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
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Other Identifying Features: _____

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☐ Subpoena Fee Tendered in the amount of _____

Sworn to before me on 11/1/09


 Christina Hummiller
 Notary Public, State of New York
 No. 01HU4637421
 Qualified in Suffolk
 Commission Expires 6/30/2010


 Deponent's (Server) Signature

Attorney Info/Client Info

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